

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**Demetrius Johnson,**

Plaintiff,

v.

**Reynaldo Guevara, et al.,**

Defendant.

No. 1:20-cv-04156

Hon. Sara L. Ellis,  
District Judge

Hon. Heather K. McShain,  
Magistrate Judge

JURY TRIAL DEMANDED

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT GUEVARA'S MOTION  
FOR EXTENSION TO FILE JOINT STATEMENT OF MATERIAL FACTS IN  
CONNECTION WITH PLAINTIFF'S SUMMARY JUDGMENT MOTION**

Plaintiff Demetrius Johnson, by his respective attorneys, responds in opposition to Defendants' Motion for an Extension to File the Joint Statement of Facts in Connection with Plaintiff's Summary Judgment Motion (Dkt. 177). In support of his response, Plaintiff states as follows:

1. In July 2022, Plaintiff notified Defendant Guevara of his intention to file a motion for partial summary judgment on his *Brady* claim. Plaintiff's letter included a proposed joint statement of fact per the Court's rules.
2. In August, counsel for all parties participated in a phone conference in which Defendants refused to confer on the proposed joint statement of facts.
3. That same month at a motion hearing, the Court heard argument on Plaintiff's motion for leave to file summary judgment. Defendant Guevara opposed the motion, making the same

argument that he needed to conclude fact discovery before being willing to confer on the substance of the motion or the joint statement of facts.

4. At the hearing, while the Court denied Plaintiff's motion for leave to file summary judgment, it ordered the parties to submit a briefing schedule for the motion. Dkt. 169. The parties disagreed about a briefing schedule and set forth their proposals in a joint status report. Dkt. 172.

5. On November 1, 2022, the Court entered the briefing schedule proposed by Plaintiff. Plaintiff's partial summary judgment motion against Defendant Guevara is due November 30, 2022, Defendant Guevara's response is due December 30, 2022, and Plaintiff's reply is due January 12, 2023. Dkt. 175. Separately, the Court ordered the close of fact discovery to occur after Plaintiff's summary judgment motion was filed, on December 16, 2022.

6. On November 14, Plaintiff re-sent the proposed joint statement of facts to Defendants. The proposed joint statement of fact is substantially the same as what Plaintiff sent in July, with some new facts added to reflect the discovery that has occurred since July. Importantly, Plaintiff had sought this information included in its updated joint statement of facts since April. He only received responses to his outstanding discovery requests in October and November.

7. On November 21, Defendant Guevara provided a response to Plaintiff's proposed statement of facts. Plaintiff will send his comments and revisions by the end of today, November 28.

8. There is thus no need for an extension on the Joint Statement of Facts or to delay the filing of Plaintiff's summary judgment motion. Defendant Guevara has had virtually the same proposed joint statement of facts since July and known since November 1 that the parties would need to reach consensus on the joint statement for Plaintiff to file his motion by November 30. The Court already considered Defendant Guevara's arguments about the timing of

Plaintiff's motion. The Court chose Plaintiff's schedule and ordered the motion to be filed two weeks before fact discovery closes. Defendant Guevara should not be able to help himself to his preferred schedule now.

9. For these reasons, Plaintiff opposes Defendant's motion for an extension and respectfully requests that the Court deny it.

Dated: November 28, 2022

RESPECTFULLY SUBMITTED,

By: /s/ Danielle Hamilton

Jon Loevy  
Danielle Hamilton  
Anand Swaminathan  
Steve Art  
Rachel Brady  
Isabella Aguilar  
Sean Starr  
Joshua Tepfer  
Loevy & Loevy  
311 N. Aberdeen St.  
Chicago, IL 60607  
(312) 243-5900  
(312) 243-5902 (fax)  
[hamilton@loevy.com](mailto:hamilton@loevy.com)

**CERTIFICATE OF SERVICE**

I, Danielle Hamilton, an attorney, certify that on November 28, 2022, I served a copy of the foregoing pleading on all counsel of record through the Court's electronic filing system.

/s/ Danielle Hamilton  
*One of Plaintiff's Attorneys*